

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

JANUARY 17, 2012

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, January 17, 2012 at 8:30 a.m. in the Real Estate Commission Conference Room, 64 South Street, Concord, New Hampshire 03301.

- I. Meeting was called to order at 8:32 a.m. by Chairman Daniel Jones  
Present: Commissioners Daniel Jones, David Dunn, William Barry, Paul Lipnick and James Therrien.
- II. On motion by Commissioner Dunn, seconded by Commissioner Lipnick, the Commission approved the Minutes of the Commission meeting held on December 20, 2011.

### III. APPOINTMENTS

8:48 a.m. MICHAEL F. HVIZDA appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Therrien, seconded by Commissioner Lipnick, decided to allow Mr. Hvizda to apply for an original salesperson's license. Mr. Hvizda submitted a letter from the principal broker he plans to work under notifying the Commission that the broker is aware of his previous legal incident.

8:55 a.m. Equivalency Appointment – ADAM R. SCHROADTER

After review and discussion, the Commission, on motion by Commissioner Barry, seconded by Commissioner Dunn, denied Mr. Schroadter's real estate experience as sufficient experience pursuant to RSA 331-A:10, II (c) and (g). Commissioner Therrien was opposed to the decision.

9:15 a.m. WILLIAM F. HOPKINS, III appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner Therrien, seconded by Commissioner Lipnick decided to allow Mr. Hopkins to apply for an original salesperson's license contingent upon receipt of a letter from Mr. Hopkins' principal broker notifying the Commission that he/she is aware of his previous legal incident.

9:25 a.m. AARON T. ORSO appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion the Commission, on motion by Commissioner Dunn, seconded by Commissioner Therrien decided to allow Mr. Orso to apply for an original salesperson's license contingent upon receipt of a letter from Mr. Orso's principal broker notifying the Commission that he/she is aware of his previous legal incident. Commissioner Barry was opposed to the decision.

9:30 a.m. DIANNA DUNNING of the NH Association of Realtors appeared before the Commission to discuss accreditation of a Professional Standards Course. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Therrien decided to accredit the Professional Standards Course outline because as presented to the Commission, the public would benefit by licensees attending the course.

9:55 a.m. CINDY BUTLER appeared before the Commission to discuss concerns about her accredited pre-licensing course brought before the Commission by the Education Program Assistant Fran West resulting from monitoring two of Ms. Butler's pre-licensing classes. After review and discussion, the Commission, on motion by Commissioner Dunn, seconded by Commissioner Therrien decided to allow Ms. Butler to complete teaching the remaining classes of her current pre-licensing course and that she is to provide to the Commission DVD recordings of the remaining classes of her course and present the DVD's to the Commission for review and appear before the Commission to discuss the DVD presentations prior to teaching further pre-licensing courses.

IV. **HEARING 10:25 AM**

FILE NO. 2011-018 NEW HAMPSHIRE REAL ESTATE COMMISSION VS STEFAN P. KARNOPP RE: COMPLAINT OF LAURA BLUNDO

The following persons were present at the hearing:

Commission: Commissioners Daniel Jones, David Dunn, William Barry, and Paul Lipnick

Evaluator: Commissioner Therrien evaluated the above matter and abstained from participation in the discussion.

Complainant: The New Hampshire Real Estate Commission through its Investigator Ann Flanagan

Attorney: Pro Se

Respondent: Stefan P. Karnopp

Attorney: Pro Se

Witnesses: Laura Blundo  
Scott Blundo  
Paul Mayer  
Derek Greene

V. **OTHER BUSINESS**

1. The Commission unanimously approved the following date for the February meeting:  
February 21, 2012 at 8:30 a.m.

2. CASE EVALUATIONS

(a) File No. 2010-016

Evaluator: Commissioner Therrien

Determination: On motion by Commissioner Dunn, seconded by Commissioner Lipnick, the Commission approved the evaluating commissioner's determination that the matter should be

heard.

(b) File No. 2011-008

Evaluator: Commissioner Therrien

Determination: On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission approved the evaluation commissioner's determination that the matter should be heard.

(c) File No. 2011-020

Evaluator: Commissioner Jones

Determination: On motion by Commissioner Dunn, seconded by Commissioner Barry, the Commission approved the evaluating commissioner's determination to offer the Respondent a Settlement Agreement in which the Respondent acknowledges violations of RSA 331-A:26, XXVII and RSA 331-A:25-c, I, (b)(4).

(d) File No. 2011-028

Evaluator: Commissioner Lipnick

Determination: On motion by Commissioner Dunn, seconded by Commissioner Therrien, the Commission approved the evaluating commissioner's determination to offer the Respondent a Settlement Agreement requiring the Respondent to complete the NH state law portion of a NH Real Estate Commission accredited pre-licensing course.

The above determinations were unanimously approved by the Commission.

3. ORDERS

The following Orders were approved by the Commission and are attached to the Minutes of this meeting:

FILE NO. 2011-015 NEW HAMPSHIRE REAL ESTATE COMMISSION VS WILLIAM K. SAHLMAN

FILE NO. 2011-029 NEW HAMPSHIRE REAL ESTATE COMMISSION VS RICHARD DALE-MESAROS

FILE NO. 2011-022 NEW HAMPSHIRE REAL ESTATE COMMISSION VS RICHARD DALE-MESAROS & GAIL E. MCCARTHY RE: COMPLAINT OF LESLIE HOYT

4. SETTLEMENT AGREEMENTS

The following Settlement Agreements were approved by the Commission and are attached to the Minutes of this meeting:

FILE NO. 2011-024 NEW HAMPSHIRE REAL ESTATE COMMISSION VS CYNTHIA MELANSON RE: COMPLAINT OF AMY PITERA

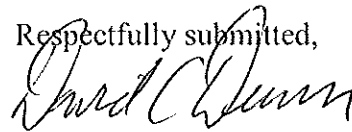
FILE NO. 2011-023 NEW HAMPSHIRE REAL ESTATE COMMISSION VS MITCHELL H.  
GREENWALD RE: COMPLAINT OF CAROL PATRY

COMMISSIONER THERRIEN left the meeting at 12:25 p.m. and was not present for the remainder of the meeting.

VI. **ADJOURNMENT**

On a motion by Commissioner Dunn, seconded by Commissioner Barry, Chairman Daniel Jones adjourned the meeting at 1:01 p.m.

Respectfully submitted,



David C. Dunn  
Acting Clerk

NEW HAMPSHIRE REAL ESTATE COMMISSION  
ORDER  
FILE NO. 2011-015

NEW HAMPSHIRE REAL ESTATE COMMISSION  
V  
WILLIAM K. SAHLMAN

This matter comes before the Real Estate Commission on the complaint of the New Hampshire Real Estate Commission through its Investigator Ann Flanagan, alleging violation of NH RSA 331-A:26, XXVI, by William K. Sahlman. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. William K. Sahlman (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 6/2/95 and as a real estate broker on 9/2/97 and was so licensed at the time of the alleged violations.
2. Respondent is the principal broker and owner of Century 21 Energy Shield Realty with licensed office locations in Lebanon and Newport, New Hampshire.
3. Respondent's advertising and website indicated an office location in Hanover, New Hampshire, possibly misleading the public to believe they have a local presence in Hanover, New Hampshire.
4. The office does have a P.O. Box in Hanover, New Hampshire, but the actual physical location of the office is in Lebanon, New Hampshire.
5. Respondent has recently changed his advertising and website to reflect only the actual licensed locations in Lebanon and Newport, New Hampshire.

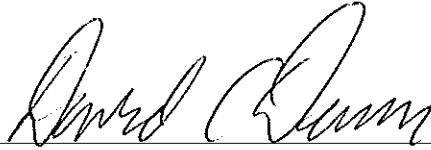
Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

Respondent's advertising and website indicated an office location in Hanover, New Hampshire, possibly misleading the public to believe they have a local presence in Hanover, New Hampshire. Therefore, the Commission rules that Respondent did violate NH RSA 331-A:26, XXVI.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within thirty (30) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid.

Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to appeal in the Superior Court. The Respondent has thirty (30) days from the date of this Order in which to file an appeal. Such an appeal will suspend the Commission's disciplinary action pending resolution of the appeal. If this decision is not appealed within thirty (30) days, this Order will become final.

Commissioner James R. Therrien evaluated this case and did not take part in the hearing or decision.



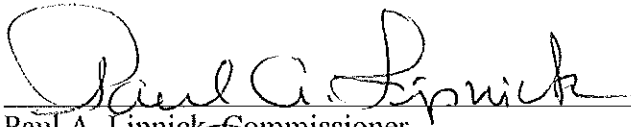
David C. Dunn, Presiding Officer

1/17/2012  
DATE



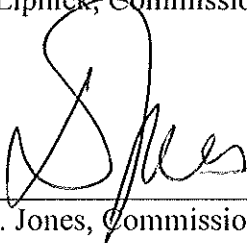
William E. Barry, Commissioner

1/17/2012  
DATE



Paul A. Lipnick, Commissioner

1-17-2012  
DATE



Daniel S. Jones, Commissioner

1/17/12  
DATE

NEW HAMPSHIRE REAL ESTATE COMMISSION  
ORDER  
FILE NO. 2011-029

NEW HAMPSHIRE REAL ESTATE COMMISSION  
V  
RICHARD DALE-MESAROS

This matter comes before the Real Estate Commission on the complaint of the New Hampshire Real Estate Commission through its Investigator Ann Flanagan, alleging violations of NH 331-A:26, II; RSA 331-A:26, IV; RSA 331-A:26, V; RSA 331-A:26, XXIX; and RSA 331-A:26, XXXVI, by Richard Dale-Mesaros. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Richard Dale-Mesaros (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 5/18/09 and was so licensed at the time of the alleged violations.
2. Respondent Richard Dale-Mesaros appeared as a witness at a hearing for File No. 2010-024, New Hampshire Real Estate Commission v. Gilbert W. Cox & Thomas J. Sevigny, on August 16, 2011.
3. During that hearing, an allegation was addressed that Gilbert Cox failed to provide a written brokerage relationship disclosure to a consumer (Richard Dale-Mesaros) at the time of first business meeting.
4. In an apparent attempt to deal with the absence of this form before the hearing, Gilbert Cox and Richard Dale-Mesaros created and executed a false disclosure form which Gilbert Cox presented to the Commission (File No. 2010-024, Complainant's Exhibit #1, p. 76). The signatures on this form were dated



- 4/27/10. Gilbert Cox testified that date must have been written in error for 4/27/09. However, the form used was not created and available for use until 5/12/09, a date after the 4/27/09 date of the subject P&S which indicated "Richard Dale for CLD" as the buyer and signed "CLD by Gilbert Cox".
5. On the State of New Hampshire 2009 Annual Report for CLD Asset Management, LLC, Bert Cox is listed as the Registered Agent & Member of CLD Asset Management, LLC, and Richard Dale-Mesaros and Kevin Lacasse are also listed as Members; Richard Dale-Mesaros was the signing Member.
  6. Respondent Richard Dale-Mesaros replied to this complaint indicating that Bert Cox did not have a Brokerage Relationship Disclosure form when he was answering Complaint File No. 2010-024 and Bert Cox asked him to sign another form.
  7. Respondent Richard Dale-Mesaros indicates that he had signed the form on 4/27/09 which Bert Cox was unable to locate; however, Respondent Richard Dale-Mesaros did not have a copy of the form.
  8. Respondent Richard Dale-Mesaros testified that he signed the form after the complaint was brought against Bert Cox, and that Bert Cox wrote in the date of 4/27/10 but meant to write in the pre-date of 4/27/09.
  9. Respondent testified that Bert Cox told him not to indicate a date when he signed the form and that Bert Cox said he would take care of dating the form.
  10. Respondent admitted that signing the form had a tendency to deceive.

Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

Respondent signed a Brokerage Relationship Disclosure form long after the subject transaction to assist Bert Cox in deceiving the Real Estate Commission that Bert Cox possessed the appropriate disclosure form. Even if Respondent did actually sign such a document during the subject transaction, it was wrong for Respondent to falsefy such a document. Therefore, the Commission rules that Respondent did violate NH RSA 331-A:26, V.


It was unlawful, dishonorable, unethical, and untrustworthy for Respondent to sign the Brokerage Relationship Disclosure form long after the subject transaction with an inaccurate date intended to deceive. Therefore, the Commission rules that Respondent did violate NH RSA 331-A:26, XXIX and RSA 331-A:26, XXXVI.

The Commission does not find separate and independent violations of NH RSA 331-A:26, II or RSA 331-A:26, IV.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent pay a disciplinary fine in the amount of five-hundred dollars (\$500) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within sixty (60) days of the effective date of this Order. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid.

Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to appeal in the Superior Court. The Respondent has thirty (30) days from the date of this Order in which to file an appeal. Such an appeal will suspend the Commission's disciplinary action pending resolution of the appeal. If this decision is not appealed within thirty (30) days, this Order will become final.

Commissioner William E. Barry evaluated this case and did not take part in the hearing or decision.

  
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David C. Dunn, Presiding Officer

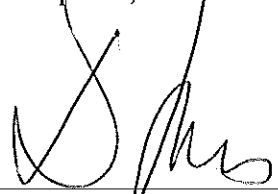
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James R. Therrien, Commissioner

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Paul A. Lipnick, Commissioner

1-17-2012  
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Daniel S. Jones, Commissioner

1/17/12  
DATE

NEW HAMPSHIRE REAL ESTATE COMMISSION  
ORDER  
FILE NO. 2011-022

NEW HAMPSHIRE REAL ESTATE COMMISSION  
V  
RICHARD DALE-MESAROS & GAIL E. MCCARTHY  
RE: COMPLAINT OF LESLIE HOYT

This matter comes before the Real Estate Commission on the complaint of Leslie Hoyt and the New Hampshire Real Estate Commission through its Investigator Ann Flanagan, alleging violations of NH RSA 331-A:26, V; RSA 331-A:26, XXXVI; RSA 331-A:25-b, I, b (2); RSA 331-A:25-b, I (a); and RSA 331-A:26, XXVIII , by Richard Dale-Mesaros, and RSA 331-A:26, XXVII by Gail McCarthy. The Real Estate Commission after notice and hearing in the above captioned matter makes the following findings of fact:

1. Richard Dale-Mesaros (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 5/18/09 and was so licensed and associated with Real Estate Entrepreneur Network LLC at the time of the alleged violations.
2. Gail E. McCarthy (hereinafter referred to as Respondent) was licensed as a New Hampshire real estate salesperson on 4/5/07 and as a real estate broker on 5/3/11 and was so licensed and the principal broker of Real Estate Entrepreneur Network LLC at the time of the alleged violations.
3. Leslie Hoyt (hereinafter referred to as Complainant) knew their neighbor was going to be selling their home by a short sale to avoid foreclosure, and

Complainant was waiting for it to come on the market to make an offer through her agent.

4. Respondent Richard Dale-Mesaros entered into a listing agreement with the seller but did not put a for sale sign on the property and did not put the property into the MLS within 48 hours of the listing. Instead, Respondent Dale-Mesaros brought the listing to a member of the real estate investor association (New Hampshire Real Estate Investors Association) of which both Respondent Dale-Mesaros and Respondent McCarthy were members. Against a listing price of \$99,900, the Respondents' fellow investor made an offer of \$52,000 which Respondent Dale-Mesaros recommended the sellers to accept.
5. The sellers' lender would not consider the offer because the property had not been placed in the MLS. Subsequently, Respondent Dale-Mesaros put the property into the MLS as active and then immediately changed it to contingent. The initial offer was rejected by the sellers' lender. Exposure to the MLS led to two additional offers, one for \$72,000 and one for \$77,000. Ultimately, the \$77,000 offer led to a sale at \$80,000.
6. When the property went into the MLS Complainant inquired through a facilitator but was told the property was under agreement pending short sale approval. Complainant was told their offer would be considered a back-up but the offer was never presented to the sellers to accept as a back-up offer.
7. Complainant's first offer was full asking price \$99,900 with inspection contingencies (the property was in poor condition), and their second offer

removed the inspection contingencies but Complainant reduced the offer price to \$84,500.

8. Chip Roper testified that he was a facilitator working with Complainant and that Complainant was attempting to purchase the property as an investor and Complainant lowered the price on her second offer after removing the inspection contingencies.
9. Chip Roper testified that Respondent Dale-Mesaros assured them that Complainant's offer would be next in line as a back up offer.
10. The accepted offer came before both of Complainant's written offers and was \$77,000 cash no contingencies, and the final sales price was \$80,000.
11. Respondent Dale-Mesaros states he would not present Complainant's offers because of the lender's protocol.
12. Respondent Dale-Mesaros testified that he never contacted Complainant or Complainant's agent Chip Roper after the initial offer fell through.
13. Respondent Dale-Mesaros stated that he knew the first buyers through Respondent's membership in the NH Real Estate Investors Association and he didn't put a sign on the property or put it on the MLS because he knew investors who might be interested in the property.
14. Respondent Gail McCarthy is also a member of the NH Real Estate Investors Association.
15. Respondent Dale-Mesaros failed to properly market the property pursuant to his listing agreement with the sellers and in breach of his fiduciary duties.

16. Principal broker Respondent Gail McCarthy showed a lack of proper supervision in the transaction.

Based on the foregoing findings of fact, the Commission hereby issues the following rulings of law:

Respondent Dale-Mesaros failed to properly market the property pursuant to his listing agreement with the sellers which required Respondent Dale-Mesaros to enter the property into the MLS within 48 hours. Indeed, Respondent Dale-Mesaros did not put the property into the MLS until approximately a month and a half after taking the listing after an initial low offer was rejected by the sellers' lender because the property had not been marketed on the MLS; and when Respondent Dale-Mesaros did subsequently put the property into the MLS he entered it as active then immediately changed it to contingent based on the initial offer which was rejected. Therefore, the Commission rules that Respondent Dale-Mesaros did violate NH RSA 331-A:25-b, I (a).

Respondent Dale-Mesaros had not put the property into the MLS and was initially only marketing the property to members of the NH Real Estate Investors Association. Respondent Dale-Mesaros also marketed the property to other investors he knew personally. As an experienced investor and licensed real estate agent Respondent Dale-Mesaros would have known that exposing the property to the entire market, not merely investors he knew would have brought offers higher than the initial low offer of \$52,000 which would have more likely been accepted by the lender on a short-sale basis. Listing the property on the MLS on behalf of Respondent Dale-Mesaros's seller clients would have exposed the property to the market so that higher offers could be obtained which

would be more likely accepted by the short sale lender. Therefore, the Commission rules that Respondent Dale-Mesaros did violate NH RSA 331-A:26, XXVIII.

Respondent Dale-Mesaros was hired as a listing agent to represent the interests of the sellers yet Respondent Dale-Mesaros failed to advise his seller clients that the initial offer was low and that they should market the property to obtain higher offers, and when the initial low offer was rejected, Respondent Dale-Mesaros failed to contact Complainant or Complainant's agent to notify them that the property was available. Instead Respondent Dale-Mesaros only approached his personal investor acquaintances. Therefore, the Commission rules that Respondent Dale-Mesaros did violate NH RSA 331-A:26, V and RSA 331-A:26, XXXVI.

The Commission did not find a separate and independent violation of NH RSA 331-A:25-b, I, b (2).

Principal broker Respondent Gail McCarthy showed a lack of proper supervision in the transaction, and the Commission is concerned that both Respondent Richard Dale-Mesaros and principal broker Respondent Gail McCarthy seem to think that avoiding foreclosure justifies not fulfilling their fiduciary responsibilities to properly market the property and optimize the likelihood of an offer acceptable to the short sale lender. Therefore, the Commission rules that Respondent Gail McCarthy did violate NH RSA 331-A:26, XXVII.

In view of the foregoing rulings of law, the Real Estate Commission hereby orders that Respondent Richard Dale-Mesaros shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) for each violation for a total amount of one-

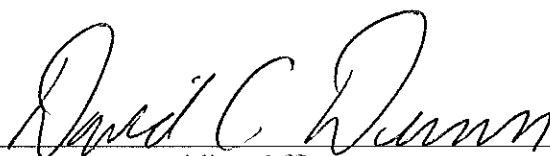


thousand dollars (\$1,000) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within sixty (60) days of the effective date of this Order; and Respondent Richard Dale-Mesaros shall show proof of full attendance at a New Hampshire Real Estate Commission accredited 3-hour continuing education course about Agency (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within ninety (90) days of the effective date of this Order. Respondent Gail McCarthy shall pay a disciplinary fine in the amount of two-hundred and fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire, within sixty (60) days of the effective date of this Order; and Respondent Gail McCarthy shall show proof of full attendance at a New Hampshire Real Estate Commission accredited 3-hour continuing education course about Agency (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within ninety (90) days of the effective date of this Order. Both Respondents Richard Dale-Mesaros and Gail McCarthy shall inform the Commission which specific course they intend to attend prior to taking the course. Failure to comply with this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid and the course is completed.

Under the provisions of RSA 331-A:28, III, this disciplinary action is subject to appeal in the Superior Court. The Respondent has thirty (30) days from the date of this Order in which to file an appeal. Such an appeal will suspend the Commission's

disciplinary action pending resolution of the appeal. If this decision is not appealed within thirty (30) days, this Order will become final.

Commissioner William E. Barry evaluated this case and did not take part in the hearing or decision.

  
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David C. Dunn, Presiding Officer

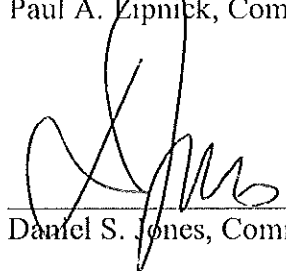
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James R. Therrien, Commissioner

01/17/2012  
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Paul A. Lipnick, Commissioner

1-17-2012  
DATE

  
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Daniel S. Jones, Commissioner

1/17/12  
DATE

BEFORE THE  
NEW HAMPSHIRE REAL ESTATE COMMISSION  
CONCORD NH 03301

In the Matter of:

File No. 2011-024 NH Hampshire Real Estate Commission v. Cynthia Melanson

Re: Complaint of Amy Pitera

Allegations: RSA 331-A:26, XXXI

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission ("Commission") and Cynthia Melanson ("the Respondent") a real estate associate broker currently licensed by the Commission until 06/21/13, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondent would be:

Respondent was the listing agent for a court ordered divorce listing. The husband was still living in the property but the wife had moved out and remarried. There were several Change of Status forms executed, but on one of the extensions to the listing date Respondent did not get both the husband and wife (Complainant) to sign the form. Respondent indicates she had verbal authorization. (RSA 331-A:26, XXXI)

2. The Respondent acknowledges and does not contest the allegations described in Paragraph 1 above.

3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent shall show proof of full attendance at a New Hampshire Real Estate Commission accredited 2-hour continuing education course about Contracts (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within four (4) months of the effective date of this Settlement Agreement. Failure to comply with this disciplinary Settlement Agreement will result in the suspension of Respondent's real estate license until the course is completed.
4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegations described above in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining whether the Respondent has engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to her/him other than those terms and conditions expressly stated herein.

7. Respondent understands that her/his action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.
8. Respondent has had the opportunity to seek and obtain the advice of an attorney of her/his choosing in connection with her/his decision to enter into this Agreement.
9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced her/his right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
10. Respondent certifies that she/he has read this document titled Settlement Agreement. Respondent understands that she/he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she/he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her/his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, she/he waives these rights as they pertain to the misconduct described herein.
11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

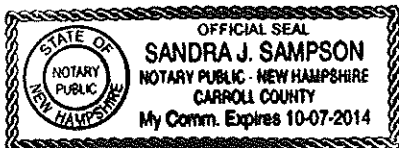
For the Respondent

I, Cynthia Melanson, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: Dec. 27, 2011

Cynthia Melanson  
Cynthia Melanson  
Respondent

On this 27<sup>th</sup> day of December A.D. 2011  
personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.



Sandra J. Sampson  
Justice of the Peace/Notary Public

My commission expires:

10/7/2014

For the Commission

Dated: January 17<sup>th</sup>, 2012

Beth A. Edes  
Beth A. Edes  
Executive Director  
of the NH Real Estate Commission

BEFORE THE  
NEW HAMPSHIRE REAL ESTATE COMMISSION  
CONCORD NH 03301

In the Matter of:

File No. 2011-023 NH Real Estate Commission v. Mitchell H. Greenwald, Re:  
Complaint of Carol Patry  
Allegations: 701.02

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of real estate, the New Hampshire Real Estate Commission ("Commission") and Mitchell H. Greenwald ("the Licensee" or "the Respondent"), a real estate broker currently licensed by the Commission until 4/15/13, agree to resolve certain allegations of professional misconduct now pending before the Commission in accordance with the following terms and conditions:

1. The parties stipulate that the Commission has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to RSA 331-A:29, I and RSA 541-A:31, V, and if such a proceeding were commenced, the allegations against the Respondent would be:

Complainant purchased a mobile home listed by Respondent (principal broker), and Respondent admits that the property was entered into the MLS and mistakenly indicated that the property was not in a flood zone.

2. The Respondent acknowledges and does not contest the allegations described in Paragraph 1 above.
3. The Respondent consents to the Commission imposing the following discipline, pursuant to RSA 331-A:28, I. The Respondent and all licensed and unlicensed staff in Respondent's real estate office shall show proof of full attendance at a New

Hampshire Real Estate Commission accredited 3-hour continuing education course about Property Disclosure (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements) within ninety (90) days of the effective date of this Settlement Agreement. Failure to comply with this disciplinary Settlement Agreement will result in the suspension of Respondent's real estate license until the course is completed.

4. The Respondent's failure to adhere to any requirement imposed by this Agreement shall be a separate and sufficient ground for disciplinary action by the Commission.
5. Except as provided in Item 3 and 4 above, this Agreement shall forever bar further disciplinary action or other adverse action by the Commission based upon the specific allegations described above in Paragraph 1, provided, however, that this Agreement may be considered by the Commission in determining whether the Respondent has engaged in a pattern of misconduct, or in determining the nature of any sanctions which may be imposed in any subsequent disciplinary proceeding arising out of different misconduct allegations.
6. The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
7. Respondent understands that his action in entering into this agreement is a final act and not subject to reconsideration or judicial review or appeal.



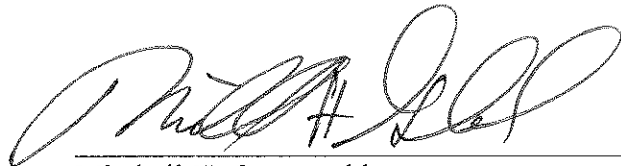
8. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with her/his decision to enter into this Agreement.
9. Respondent understands that the Commission must review and accept the terms of this Agreement. If the Commission rejects any portion, the entire Agreement shall be null and void. Respondent specifically waives any claims that any disclosures made to the Commission during its review of this Agreement have prejudiced his right to a fair and impartial hearing in the future if this Agreement is not accepted by the Commission.
10. Respondent certifies that he has read this document titled Settlement Agreement.  
  
Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this Agreement, he waives these rights as they pertain to the misconduct described herein.
11. The effective date of this Agreement shall be on the date it is signed by the representative of the Commission shown below.

For the Respondent

I, Mitchell H. Greenwald, have reviewed the forgoing Settlement Agreement settling misconduct allegations pending against me, and, of my own free will and without duress,

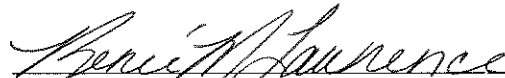
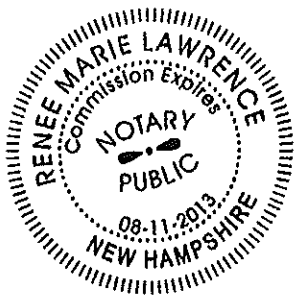
and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: January 4 2012



Mitchell H. Greenwald  
Respondent

On this 4 day of January A.D. 2012  
personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.

  
Justice of the Peace/Notary Public

My commission expires:

August 11, 2013

For the Commission

Dated: January 17th 2012  
2011



Beth A. Edes  
Executive Director  
of the NH Real Estate Commission